

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION

: MULTIDISTRICT
: LITIGATION
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:

THIS DOCUMENT APPLIES TO:
ALL DIRECT PURCHASER ACTIONS

No. 08-md-200

FILED

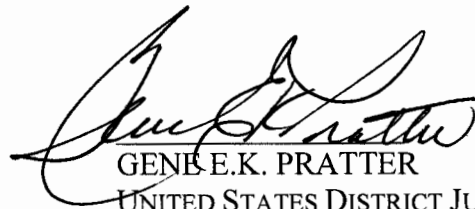
JUN 04 2018

ORDER

KATE BARKMAN, Clerk
By _____ Dep. Clerk

AND NOW, this 4th day of June, 2018, upon consideration of the Renewed Motion for a Directed Verdict (Doc. No. 1745), the Response in Opposition (Doc. No. 1746) and the Court's June 1, 2018 memorandum opinion outlining the relevant issue in detail, it is **ORDERED** that the Renewed Motion for a Directed Verdict (Doc. No. 1745) is **GRANTED**.¹

BY THE COURT:


GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ Given that the defendants have now rested their case, the Court finds that the evidence on the record is insufficient for a reasonable jury to find the requirements for Capper-Volstead immunity have been met. Namely, there is no evidence that 50% of the value of the cooperative is derived from members. There is only evidence about the volume of the transactions. Therefore, the Court grants the motion and enters a judgment as a matter of law on the defendants' affirmative defense of Capper-Volstead immunity.